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THE present situation of the Cherokee Indians is recommended to the attention of every citizen of the United States, whose feelings would be shocked by a breach of faith being justly charged upon his country.

It is believed to be calculated to excite the commiseration of every lover of justice and humanity, and to call forth the sympathies of every man who abhors tyranny and oppression.

The Senate of Georgia, to which the following memorial was addressed, after hearing about two pages, suspended its further reading, upon the ground of disrespectful language: but referred it to the Joint Committee on the state of the republic. This committee, however, upon the same plea, refused to hear any part of it read. It should be observed that the General Assembly of Georgia is elected annually.

Savannah, January, 1829.

Brinley 5581
no. 10

TO THE HONOURABLE

THE

PRESIDENT AND MEMBERS

OF THE

SENATE OF THE STATE OF GEORGIA.

THE Memorial of Robert Campbell, a resident of Savannah, and a citizen of the state aforesaid, respectfully represents—

That your memorialist has read and reflected with deep solicitude and concern upon the report made to the Honourable the Senate of this State, in December last, claiming the absolute jurisdiction over, and right of the state to the lands at present in possession of the Cherokee Indians, within the boundaries of this state; boundaries which were established, or rather *named* by ourselves, without their consent or concurrence.

Your memorialist feels it to be his duty, and he knows it to be his privilege to approach your honourable body in the language of respectful remonstrance against a measure fraught with so much impolicy, injustice, and disgrace, and violative of our solemn engagements with that brave but unfortunate people—especially, and most unfortunate heretofore, in the high but false opinion which they entertained for our race, and in their reliance on, and faith in our representations and promises.

In the performance of this duty, your memorialist will trespass as little as possible upon your time, but the subject requires to be viewed in so many aspects, all illustrating each other, that at the outset he desires to bespeak your indulgence for a patient hearing. Should he pass those barriers usually prescribed to memorialists, which he will endeavour not to do,

he begs you to believe that it will proceed from no want of respect for your honourable body, and to overlook any such irregularity for the sake of the important objects for which he comes before you.

When first the restlessness and cupidity of the European race brought them to these shores, they found the red man lord and sole possessor of the soil; they found him just and kind, confiding and generous—

> "He fancied the pale-faced men were gods,
> "Nor dreamt their secret aim was theft and cruelty."

Columbus relates in his first voyage, when his vessel was a wreck, and he was deserted by a part of his own crew, that an Indian chief, upon hearing the information, "shed tears, and "despatched all the people of the town with large canoes to "unload the ship; with their assistance the decks were cleared "in a very short time. From time to time he sent his rela- "tions to the admiral, consoling him, and entreating him not "to be afflicted at his loss, for he would give him all he had:" and Columbus further adds, "they are a very loving race, and "without covetousness."

Such was the character of the American Indian in 1492, and the generous and confiding portion of it was found in full vigour by the first Georgians in 1733, when they landed on the bank of the placid and beautiful Savannah.

It is generally known that the first settlement of this colony was the result of a benevolent and charitable disposition entertained by some Englishmen of humane feelings and easy fortunes; one of whom, James Oglethorpe, undertook its early superintendence.

He came to its shores with the king's charter of 1732, which is now termed "the charter of the state;" but as it only authorized him to occupy *the uninhabited lands*, and as he found the country pre-occupied by the Indians to the very threshold, he lost no time, as the historian relates, *in treating with the natives for a share of their possessions.*

To induce them the more readily to grant his request, he represented to them, among other things, "the many advan-

"tages that would accrue to the Indians in general, from a "connexion and friendship with them, (the English,) and as "they had plenty of lands, he hoped they would freely *resign* "*a share* of them to his people, *who were come to settle* "*among them, for their benefit and instruction.* After de- "livering some presents which were *then* considered as a ne- "cessary preliminary to a treaty of peace and friendship, an "agreement was entered into," by which Oglethorpe obtained a title to the ground that the city of Savannah now stands upon, with some of the adjacent country.

The fourth article of the treaty made under these artful but delusive representations, has the following words:—

"We, the head men of the Coweta and Cuseta towns, in be- "half of all the lower Creek nation, being firmly persuaded that "he who lives in heaven, and is the occasion of all good "things, has moved the hearts of the trustees to send *their* "*beloved men* among us, for the good of our wives and children, "and to instruct us and them in what is straight, do therefore "declare that we are glad that their people are come here; "*and though this land belongs to us*, (the lower Creeks,) "yet we, that we may be instructed by them, do consent and "agree, that they shall make use of, and possess those lands "which our nation hath not occasion to use."

At a congress of all the chiefs and warriors of the lower Creek nation, held at Coweta in 1739, the treaty of 1733 was declared in full force; and certain metes and bounds of a considerable country described, as defining the territory in and over which these Indians were sole proprietors. Their right and title to this territory is declared in terms, of which, for strength and energy, we have few examples.

They assert that this country "doth by ancient right belong to "the Creek nation, who have maintained possession of the said "right against all opposers by war, and can show the heaps of "bones of their enemies slain by them in defence of the said "lands."

In 1773, at a congress held at Augusta, Sir James Wright, and the Hon. John Stewart, acting as commissioners on behalf of the king, the *Cherokee* Indians ceded a valuable district of

country *for the purpose of paying their debts;* a measure which may possibly be considered by some as one of the strongest instances that can be produced of their being at that period much below the standard of civilization.

In 1783 a treaty and covenant was made at Augusta, by Governor Lyman Hall, General John Tweggs, Colonel Elijah Clark, Colonel William Few, the Hon. Edward Telfair, and General Samuel Elbert, *on the part of the state of Georgia*, (then stated by this instrument to be in the seventh year of its independence,) and the "head men, warriors, and chiefs of the "hordes or tribes of Cherokee Indians, in behalf of the said "nation." By this treaty and covenant, peace between the state of Georgia and that nation was established; and a considerable district of country ceded. In 1785 a treaty was concluded at Hopewell, between the United States of America, and the Cherokee Indians, by which peace was made, *and boundaries between them* defined. From this, I extract the third and twelfth articles.

"ART. 3. The said Indians for themselves and their respec-"tive tribes and towns, do acknowledge all the Cherokees to "be under the protection of the United States of America, and "of no other sovereign whosoever."

"ART. 12. That the Indians may have full confidence in the "justice of the United States, respecting their interests, they "shall have the right to send a deputy of their choice, when-"ever they think fit, to Congress."

In 1787, the United States formed their present admirable constitution, which Georgia "assented, ratified, and adopted, "fully and entirely," on the 2d of January, 1788.

This constitution declares that Congress shall have power "to regulate commerce with the Indian tribes." That "the "President shall have power by and with the advice and con-"sent of the Senate, to make treaties, provided two-thirds of "the Senators present concur;" and that "all treaties made "or which shall be made, under the authority of the United "States, shall be the supreme law of the land; and the judges "in every state shall be bound thereby; any thing in the

"constitution or laws of any state to the contrary notwith-
"standing."

Under this constitution, on the 2d day of July, 1791, a treaty of peace and friendship was made and concluded between "the "President of the United States of America, on the part and "behalf of the said states, and the undersigned Chiefs and "Warriors of the Cherokee Nation of Indians, on the part and "behalf of the said nation." The two following articles are "quoted from this treaty.

"ART. 7. The United States solemnly guarantee to the "Cherokee Nation, all their lands not hereby ceded."

"ART. 14. That the Cherokee Nation may be led to a "greater degree of civilization, and to become herdsmen and "cultivators instead of remaining in a state of hunters, the "United States will from time to time, furnish gratuitously the "said nation with useful implements of husbandry; and further "to assist the said nation in so desireable a pursuit, and at the "same time to establish a certain mode of communication, the "United States will send such and so many persons to reside "in such nation as they may judge proper, not exceeding four "in number, who shall qualify themselves to act as interpre-"ters. These persons shall have lands assigned by the Chero-"kees for cultivation for themselves and their successors in of-"fice; but they shall be precluded from exercising any kind of "traffic."

This is known as THE TREATY OF HOLSTEIN, having been signed on the bank of that river, near the mouth of the French Broad.

The next treaty made by the United States with the Cherokees was concluded at Philadelphia in 1794.

It recognises that of *Holstein*, as does likewise the succeeding one of October, 1798, signed, as it states, "in the Coun-"cil-house near Tellico, *on Cherokee ground.*"

Thus stood affairs as regards treaty obligations with the Cherokees, on the 24th of April, 1802, when the *United States* and the *State of Georgia* entered into that agreement with each other which I shall here merely term *extraordinary;*

which has been made the basis of so much complaint against the general government.*

Before victory had yet placed her final wreath upon the brows of our revolutionary warriors, the attention of the wisest and most patriotic statesmen of the country, was attracted by the position in which peace would find several of the states: and this position was well calculated to awaken the most anxious fears for its internal tranquillity and future independence —an independence now become inestimably dear from the sacrifices and sufferings which it had cost. On the south-west they saw Georgia likely to have control over a territory nearly equal to the combined extent of England, Italy, and the Netherlands, that support a population of thirty-six millions. Upon the north-west a territory was likely to be added to Virginia of still greater extent, which might give her sway over more than 240,000 square miles. To a part of this latter country, Massachusetts, Connecticut, and New York had claims, which were far from being settled or well defined. So that if the extent of territory had not of itself created alarm for future independence, here was a circumstance which threatened to strangle in blood the hopes entertained of their newly-born country.

Accordingly, to guard against this impending evil, Congress, in September, 1780, addressed the several states having claims to land and sovereignty beyond their present limits, recommending a transfer of them to the United States for the general benefit. Cessions of all the rights which they claimed were in consequence of this recommendation made by New York, on the 1st of March, 1781—Virginia, on the 1st of March, 1784—Massachusetts, on the 19th of April, 1785—Connecticut, on the 14th of September, 1786, and South Carolina on the 9th of August, 1787. In this all-important course, New York seems to have been foremost; but in reality, Virginia, *the Old Dominion*, then well deserving such a title through the honesty, the talents, the disinterestedness of her politi-

* By the Georgia politicians.

cians—Virginia took the lead in this patriotic race; for we find that on the 2d of January, 1781, she passed an act offering a cession of her claims to this country: nor does she derive more honour from the lead which she thus took in this patriotic course than from the example which she set in ratifying the ordinance for the government of the territory, passed by Congress on the 13th of July, 1787; the sixth article of which stipulates that *there shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes.* Thereby giving a signal and practical proof of her devotion to those principles, the declaration of which on the 4th of July, 1776, had called forth the admiration of every generous and manly heart in Europe, and given such eclat and popularity to the cause of the United States.

In October, 1787, Congress passed another resolution, addressed to North Carolina and Georgia, again recommending a cession; and on the 1st of February, 1788, the latter passed an act offering one upon certain conditions, one of which was the payment of $ 171,428$\frac{5}{100}$—but Congress refused to accede to them.

Ten years after this, viz. in May, 1798, the present constitution of Georgia was adopted, the 23d section of the 1st article of which makes special provision for such a cession, and in accordance with it the celebrated *agreement* of the 24th of April, 1802, was entered into, by which Georgia was to receive $ 1,250,000.

The fourth condition of the 1st article of that agreement, which has been so often referred to, is as follows:—

"The United States shall at their own expense, extinguish "for the use of Georgia, as early as the same can be peaceably "obtained on reasonably terms, the Indian title to the country "of Tallassee, to the lands left out by the line drawn by the "Creeks in the year 1798, which had been previously granted "by the State of Georgia; *both which tracts had formerly been "yielded by the Indians;* and to the lands within the forks of "the Oconee and Ockmulgee rivers; for which several objects "the President of the United States has directed that a treaty "should be immediately held with the Creeks; and that the

" United States shall, in the same manner, also extinguish the " Indian title to all the other lands within the State of Geor- " gia."

I have already shown how Georgia as a State, as well as forming a constituent part of the United States, stood in relation to her treaty obligations with the Cherokees.

I will now show by extracts from, and references to, the laws of the United States, passed before the date of *the agreement of* 1802, and in operation at that very time, that the policy of civilizing these people, against which the Joint Committee of Georgia protests, in their report of December, 1827, was fixed, notorious, declared by repeated public acts from 1793 downwards—a settled policy, which must have been in contemplation of the parties making that agreement, when it was entered into.

The act of 1st March, 1793, in its 9th section states, " that " in order to promote civilization among the friendly Indian " tribes, and to secure the continuance of their friendship, it " shall and may be lawful for the President of the United States " to cause them to be furnished with useful domestic animals " and implements of husbandry."

The act of May 19th, 1796, section 1st, enacts, "That the " following boundary line established by treaty *between the* " *United States* and various Indian tribes, shall be clearly as- " certained and distinctly marked, &c." conforming, as regards the Cherokees, to the treaty with them of 2d July, 1791.

The 13th section provides for the promotion of their civilization.

The act of March 3d, 1799, provides for ascertaining and distinctly marking the boundary line *between* the United States and various Indian tribes, according to treaties, conforming, as regards the Cherokees, to the treaty with them of 2d October, 1798. The 13th section of this act also provides for the promotion of their civilization.

By the act of 17th January, 1800, that of the 3d of March, 1799, was continued in force until the 3d of March, 1802.

The act of 30th March, 1802, provides by the 1st section for clearly ascertaining and distinctly marking, *the boundary*

line between the United States and various Indian tribes, conforming, as respects the Cherokees, to the treaty with them of 3d October, 1798, and by the 13th section again providing for the promotion of their civilization. And this act was in force when the United States entered into that agreement with one of themselves, known as the agreement of 24th April, 1802, ratified by Georgia in the June following.

Notwithstanding all this, the Committee of Georgia, in their report of 5th December, 1827, complain that the United States have managed "*so to add to the comforts of the Cherokees,* "*and so instruct them in the business of husbandry,* AS TO "ATTACH THEM SO FIRMLY TO THEIR COUNTRY AND TO THEIR "HOMES, *as almost to destroy the last ray of hope that they* "*would ever consent to part with the Georgia lands.*"*

Your memorialist believes that the foregoing statements and extracts will be sufficient to give your honourable body a view of the whole ground, so far as the *good faith* of the State of Georgia and of the United States are involved in this subject; and that they are most deeply involved, cannot be questioned.

Every document to which these Indians are a party, shows either by positive assertion, or where whitemen seem to have studiously avoided giving it expression, by other plain internal evidence, that they were a perfectly free and independent people, subject to their own laws, asserting and maintaining their sovereignty over their own soil, though most generous in their grants of it—frequently putting themselves under the *protection* of Great Britain and the United States, but not under their jurisdiction.

These documents, and those appertaining to the settlement of this colony, with the history of it as recorded by ourselves, show that the white man had no authority for settling upon the lands inhabited by these Indians, and show also, that however great the thirst for dominion on the part of the governments of the old world, yet Great Britain, as remarkable for her disregard of the rights of others, as vigilant in guarding her own,

* Without these Indian lands, Georgia has a territory equal to that of England, and a population in 1820 of not more than 350,000.

seems never to have entertained the monstrous thought of subjecting the Indians of Georgia to English law.

Knowing as we do the wide difference existing between the manners and customs of the two people, the total ignorance on the part of the Indians of those laws, of the language even in which they are written, how can the idea of such cruelty be tolerated, as that of subjecting them to our laws? It would cast a stain upon our state, which would be constantly pointed at by those of monarchical principles, who are envious of the success of our republican institutions—it may tend to make these institutions as odious, as it should be our study, by justice, good faith, and generosity, to make them venerable and exalted.

As it is not yet too late, I pray you to contrast the conduct of Great Britain to those generous but unfortunate people, with that conduct which the late politicians of this state propose to pursue. Compare *the report of the board of trade* to the king in 1763, with *the report of the joint committee*, on the state of the republic to the Senate of this state, in December, 1827, and you cannot but perceive how unfavourably we shall appear, how altogether forgetful that committee seem to have been of the honour and reputation of our country.

The *British report* in recommending limits for the province of West Florida, uses the following terms:—

"West Florida, to comprehend all the sea-coast from the "Gulf of Mexico, extending west from the Chatahouchee "river, or Flint river, towards the Mississippi, as far as your "majesty's frontiers extend, and stretching up into the land "as far as the thirty-first degree of north latitude, *which we* "*humbly apprehend is as far north as the settlements can* "*be carried, without interfering with lands claimed or occupied by the Indians.*"

The *report of the committee* contains the following:—

"Your committee would recommend that one other, and the "last appeal be made to the general government, with a view "to open a negociation with the Cherokee Indians upon this "subject. That the United States do instruct their commissioners to submit this report to the said Indians, and that if

"no such negociation is opened, or if it is, and it proves to be "unsuccessful, that then the next Legislature *is recommended* "to take into consideration the propriety of using the most "efficient measures for taking possession of, and extending "our authority and laws over the whole of the lands in con- "troversy."

We may indeed take these lands—there is the physical strength to do so, and the United States executive may not order a military force to dispossess us, though Washington himself has set such on example, in behalf of this very nation, against encroachments on the side of Georgia. Or we may subject these poor people to our laws, of which they have no knowledge, except being inoperative to protect them; laws written in a language of which they are ignorant, based upon manners to which they are strangers, or altogether averse. We may surround them with those worst of enemies, the meshes of our laws enforced by a people who we know hold them, their habits, customs, persons, colour, and every thing appertaining to them, in the utmost contempt: we may thus enslave and exterminate them, for experience shows that such a course will exterminate them. There is an immense amount of floating infamy arising from the conduct of the North American Europeans towards the Aborigines of this country; such conduct will attract it to, and concentrate it upon Georgia. The feelings of the age, the state of the press, the rivalry of particular systems of government, and particular sections of country; all will contribute to this. Her sons will meet it at every step in the course of life; her politicians, her representatives, her senators, her travellers, will be twitted with it. When the faith of treaties is discussed, when encroachments upon territory or the oppression of the weak are spoken of, when the hard but undeserved fate of the Aborigines of the country is alluded to, shame will suffuse their cheeks, and they cannot but curse the memory of those who could thus sully the reputation of their country and wound their own feelings.

The justly infamous partition of Poland will be forgotten in the more recent and less excusable conduct of Georgia, should she extend her laws over the Cherokees and their country.

For the despoilers of Poland did no more than subject it to their laws; nor did they do this for the purpose of wresting the soil out of the hands of the original possessors, of exterminating the population, or forcing it to abandon their homes and fire-sides; unlike the Poles in all their relations, the Cherokees are cut off from intercourse with foreign countries; they have put themselves under the protection of the United States, and have relinquished their right of alliance with any other power by a formal treaty, which it is not doubted would be enforced against them, were they to attempt to form such an alliance. They are not aspirants for power or control in the governments of their neighbours, so little so indeed, that when, by treaty with the United States, they were entitled to send a deputy to congress, they made no use of the stipulation.

Your memorialist has heard it said by way of reason or excuse for extending the laws of Georgia over the Cherokees and their country, that it is contrary to all principle, and cannot be permitted to allow a government to exist within the territory, and be independent of another government, an *imperium in imperio*, as it is termed, and this seems to be considered so conclusive as to put the subject beyond question.

Those who use it, however, must shut their eyes both to history and to fact, and the most conspicuous of them contradict in this, the very principle which they insist upon in other cases. What are these United States but an example of *imperium in imperio?* or if they are not, what becomes of all the arguments we have lately heard in support of *state rights* and *state sovereignty*, in support of which they seem willing to jeopardize the safety of this glorious and happy union? How shall we dispose of the historical example of the Republic of St. Marino, which has continued sovereign and independent within the limits of another sovereignty for upwards of one thousand three hundred years?

It may, to be sure, be alleged that this republic was within the dominions of the pope, who is accused of worshipping stocks and stones, and that therefore it could not be considered as forming a proper example to be followed by a protestant and reformed people; but I submit it to the consideration of

your honourable body, whether if we immolate our reputation for the acquisition of these lands, we shall not more justly subject ourselves to the imputation, at least of sacrificing to trees, and earth, and rocks, and to be called an idolatrous as well as a cruel people.

In most cases where it is intended to stretch the hand of power over a people, the plea of *necessity* is brought forward as the excuse. So frequently, indeed, has it been thus adduced that this plea is now almost consecrated to tyrants; but even this cannot be used in our case. Our own experience proves that if we make laws to restrain our own citizens who are borderers, from committing depredations on their Indian neighbours, all may go on harmoniously; whereas endless and interminable difficulties must arise from extending the laws so as to embrace them. You all know, you cannot be ignorant of the feelings of the white borderers of this state, towards their red brethren. Indeed, the feeling I allude to, is not confined to our borderers, for you may find evidences of it, where, if not powerful and general, it could not be exhibited—I mean in our laws. They, of themselves, will prove how entirely wretched, and utterly hopeless would be the situation of the Indians under the control of a people influenced by such feelings as they exhibit. Your honourable body have only to turn to those passed two sessions ago, to find an act to prevent the evidence of an Indian, or the descendant of an Indian, not understanding the English language, from being taken in any court of justice in this state, however exactly he might adhere to the truth, and your memorialist is informed that but for the suggestion of an honourable member of the Assembly, not a native of the state, the act would have made the evidence of some men who stand high for integrity and intelligence, and hold offices of honour and profit in the state, of no more avail in a court of justice than if they had been as notorious for untruth as they are for veracity, and as it now stands, the value or admissibility of their testimony by this law, seems to depend, not upon their being governed by morality, *but upon their understanding* English! and this merely in consequence of their Indian descent.

Another reason or excuse which your memorialist has heard alleged for the course which is proposed to be pursued, is that the Indians take, and are influenced by the advice of white men or by Indians of a different tribe. But why should they not take any advice to which they can have access? Why refuse the counsel of any, even of a different tribe, in whom they have confidence? What kind of an objection against the United States would it have been considered, to have alleged that one of her most gallant generals, La Fayette, was a Frenchman; that one of her most consummate statesmen, Hamilton, was a West Indian; that her most confidential secretary to congress, Thompson, was an Irishman; or how can Georgia of all other states, raise such an objection, having herself employed the services of a Franklin, and been under the influence of a Telfair, a Matthews, a Walton, and a Jackson, none of whom were of her tribe; a wise people will, and should use all the talents to which they can have access, and it is as proper to make their doing so an objection, as to object to their becoming civilized, and to loving their homes and country too intensely.

The hostile feeling which is entertained towards the Indians, is made use of as another reason for their removal over the Mississippi, it being asserted *that they will never be allowed to reside upon their lands here in peace.* Upon this permit your memorialist to say that if the Cherokees are to be removed from their native country, for fear of hostilities from their present neighbours, who are the inhabitants of North Carolina, South Carolina, and Georgia, *three of the old thirteen states,* who can pretend to entertain the opinion that they would be more secure, or be allowed to live more peaceably in that Arab country spoken of for their residence; a country certainly not as civilized as the states we have mentioned, and which, in a few ages, must lose most of what she now possesses, from her extent and spareness of population; and if the title of the Cherokees to the lands which have never been conquered from them, which they have never ceded away, which they have from time immemorial occupied, which is fenced in upon all sides both by laws and treaties with those who now claim it; if their title to these lands be by one of the old states deem-

ed defective, how are they to obtain an unquestionable title to any others?

May not some new reading of the constitution be brought by their new neighbours to show *that congress had no power to bargain away the public lands*, after the title had been once vested in the United States?

May it not be contended that though the Indians may relinquish, they cannot take a title, with as much force as that because they cannot understand English, they should not be believed? May not the same argument which is now with many conclusive, again be revived on the west of the Mississippi, by their then benevolent neighbours, that they cannot permit the Indians to live peaceably, and that therefore it will be better for themselves that they should be removed, perhaps, to the snow-clad Rocky Mountains.

The Georgian committee of 1827, upon the state of the republic, recommended to the Assembly the adoption of seven resolutions, three of which are in the following terms:—

"*Resolved*, That Georgia entertains for the general govern-
"ment as high a regard, and is as solicitous to do no act that can
"disturb, or tend to disturb the public tranquillity, *that she*
"*will not attempt to enforce her rights by violence, until*
"*all other means of redress fail.*

"*Resolved*, That to avoid the catastrophe which none
"would more sincerely deplore than ourselves, we make this
"solemn—this final—this last appeal to the President of the
"United States; *that he take such steps as are usual*,
"and as he may deem expedient and proper, for the pur-
"pose of, and preparatory to, the holding of a treaty with the
"Cherokee Indians, the object of which shall be, the extin-
"guishment of their title to all or any part of the lands now in
"their possession, within the limits of Georgia.

"*Resolved*, That if such treaty be held, the President be
"respectfully requested to instruct the Commissioners to lay a
"copy of this report before the Indians in Convention, with
"such comments as may be considered just and proper, upon
"the nature and extent of the Georgia title to the lands in con-
"troversy, and *the probable consequences* which will result

"from a continued *refusal upon the part of the Indians to* "*part with those lands.* And that the Commissioners be also "instructed *to grant, if they find it absolutely necessary,* "*reserves of land in favour of individual Indians, or inhabi-* "*tants of the nation,* not to exceed one-sixth part of the ter- "ritory to be acquired, the same *to be subject to future pur-* "*chase* by the general government for the use of Georgia."

However extraordinary many portions of these resolutions may appear, I shall only notice here that part of the last one which requests the commissioners who are to treat with the Indians, to be instructed to grant some of the individuals of the nation a portion of their own lands, which are now held in common—and I will notice it merely by quoting an article of the Constitution of the United States, to show how particularly alive we are, and how careful to prevent the influence of much less potent arguments upon our own servants, and not only our servants, but upon our citizens.

"If any citizen of the United States shall accept, claim, re- "ceive, or retain any title of nobility or honour, or shall, with- "out the consent of Congress, accept and retain any present, "pension, office, or emolument, of any kind whatever, from "any emperor, king, prince, or foreign power, such person "shall cease to be a citizen of the United States; and shall be "incapable of holding any office of trust or profit under them, "or either of them."

The IMPOLICY of the course recommended by the committee of 1827, is as obvious as its *injustice* and *want of faith;* but your memorialist will no longer trespass upon the valuable time of your honourable body, resting confident in the opinion, that if he has been successful in making obvious to you, any of the points that he has attempted to elucidate, you will follow the memorable example handed down by an ancient people, and regard every measure impolitic, which is in the least dishonourable.

ROBERT CAMPBELL.

Savannah, 24th November, 1828.

(Copy.)

"An Act to prevent the Testimony of Indians being received in courts of justice.

"Be it enacted, &c. &c. That from and after the passage of "this act, no Indian, and no descendant of an Indian, not understanding the English language, shall be deemed a competent witness in any court of justice, created by the constitution or laws of this state."

Assented to 26th December, 1826.

G. M. TROUP, *Governor.*

Situation of the Cherokee Indians in 1809.

1. Population -	13,320	8. Grist-mills - -	13
2. Schools - -	5	9. Saw-mills - -	3
3. Pupils - -	94	10. Smiths - -	49
4. Spinning wheels -	1,572	11. Horses - -	6,519
5. Looms - -	429	12. Black cattle -	19,165
6. Ploughs - -	567	13. Sheep - -	1,037
7. Wagons - -	30	14. Swine - -	19,778

In the year 1825, *they had—*

8 Cotton gins,	18 Ferries, and
9 Turnpikes,	20 Public roads.

(From an Augusta Chronicle of 20th December, 1828.)

"GEORGIA LEGISLATURE.

House of Representatives, Dec. 10th.

CHEROKEE INDIANS.

The House proceeded to the order of the day, which was the bill to extend the laws of Georgia over the Cherokees, and to give them the enjoyment of certain civil rights, after 1st June, 1830.

(Provides that *the Indians shall enjoy such civil rights as foreigners do residing in this state*, the right of suing, and being sued, in the courts of the United States excepted. They are to have no right to vote for any executive, legislative, judicial, or military officer.")

"Mr. Jourdan, (Col. Warren Jourdan of Jones county,) said he wished to introduce a substitute. Then if the House thought proper, the bill and substitute might be laid on the table together.

The substitute was received and read. It was the same with the original bill as to the division of territory.

In the seventh section, however, it prescribes that after June, 1830, the Indians be liable to such laws as the Legislature may hereafter prescribe, and any laws, usages, and customs, made by the Cherokees, to be null and void after 1830; and no Indian, or descendant of an Indian, residing within the Creek or Cherokee nations of Indians, shall be deemed a competent witness *or party to any suit* in any court created by the constition or laws of this state, *to which a white man may be a party.*"

☞ From the Savannah Georgian of 10th January, 1829, it would appear that this substitute of Col. Warren Jourdan's had passed both houses of the General Assembly, and from the terms of his message, there is little doubt that Governor Forsyth has sanctioned it and made it a law of the state.

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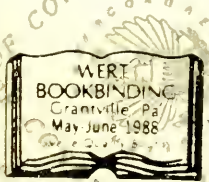

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